

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-15 and 34-36 are now present in the application. Claims 1 and 5 have been amended. Claims 34-36 have been added. Claims 16-33 have been withdrawn and hereby cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Election/Restriction Requirement

The Examiner has acknowledged Applicants' election of Group I (claims 1-15), and has withdrawn claims 16-33 from further consideration. Applicants respectfully submit that claims 16-33 have been cancelled.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on April 19, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings

Applicants thank the Examiner for accepting the formal drawings of the instant application.

Claim Rejection Under Obviousness-type Double Patenting

Claims 1-4 and 6-15 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of Lee et al., U.S. Patent No. 7,123,333 (hereinafter "Lee"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the present application, Applicants have submitted a terminal disclaimer concurrently herewith. Accordingly, the Examiner's rejection based on Lee should be withdrawn.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-4 and 6-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kido, JP 2000-089233 (hereinafter "Kido"). Claims 1-4 and 6-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee. Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kido in view of Nakatani et al., JP 08-095021 (hereinafter "Nakatani"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claim 1 has been amended to recite a combination of steps including "forming a spacer spaced apart from the color filter layer by back-exposing the photosensitive layer through the opening." Support for the above combination of steps set forth in claim 1 can be found in FIG. 5 as originally filed. Applicants respectfully submit that the above combination of steps set forth in claim 1 is not disclosed or suggested by the references relied on by the Examiner.

As shown in FIGs. 1 and 2(a)-(c) of Kido, the opening 13 is between two sub color filter layers and extend to the top surface of the substrate 1a. When forming the spacer 14, the photosensitive polymer material 14a is filled into the opening to be in contact with the sub color filter layers and the substrate (see FIG. 2(b) and 2(c)). In other words, *Kido's spacer 14 is in contact with the sub color filter layers and the substrate*. Therefore, Kido fails to teach "forming a spacer spaced apart from the color filter layer by back-exposing the photosensitive layer through the opening" as recited in amended independent claim 1.

With regard to the Examiner's reliance on Nakatani, this reference fails to teach any spacer and therefore fails to disclose the above combination of steps as set forth in amended independent claim 1. Accordingly, this reference fails to cure the deficiencies of Kido.

With regard to the Examiner's reliance on Lee, Applicants respectfully submit that Lee is not a qualified 102(b) reference because the instant application was filed before the publication date of Lee. In fact, the foreign priority date of the instant application is even earlier than the foreign priority date of Lee. Therefore, Lee is not a qualified 102 reference at all.

Accordingly, none of the utilized references individually or in combination teach or suggest the limitations of amended independent claim 1. Therefore, Applicants respectfully submit that amended independent claim 1 and their dependent claims (at least due to their dependency) clearly define over the teachings of the utilized references. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Claims

Additional claims 34-36 have been added for the Examiner's consideration. Support for dependent claims 34-36 can be found in FIG. 5 as originally filed.

Applicants respectfully submit that claims 34-36 are allowable due to their respective dependence on independent claim 1, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 34-36 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

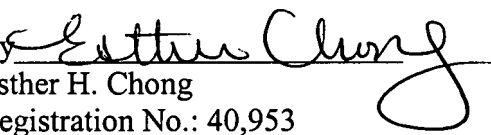
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: Terminal Disclaimer